

Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 119738
ORIGIN EB-07

INFO OCT-01 AF-10 ISO-00 CAB-02 CIAE-00 COME-00
DODE-00 DOTE-00 INR-07 NSAE-00 EPG-02 FAA-00 L-03
SS-15 NSC-05 H-01 /053 R

DRAFTED BY EB/AN:ARIMAS:BA
APPROVED BY EB/AN:RABROWN
EB/AVP:SKEITER
CAB:FMURPHY
AF/E:RBAKER

-----250245Z 031321 /14

R 242120Z MAY 77
FM SECSTATE WASHDC
TO AMEMBASSY NAIROBI

LIMITED OFFICIAL USE STATE 119738

E.O. 11652: N/A

TAGS: EAIR

SUBJECT: CIVAIR: PAN AM CHARTERS

1. PAN AM HAS INFORMED DEPT THAT WHILE CONSIDERING A PAN AM APPLICATION FOR A CHARTER FLIGHT, KENYAN CIVAIR AUTHORITIES INFORMED PAN AM'S LOCAL REP OF NEED TO PAY A "NO OBJECTION FEE". THIS "NO OBJECTION FEE" IS TO BE PAYABLE TO FLAMINGO AIR SERVICE AND/OR AIR KENYA WHICH IN RETURN WOULD GRANT THEIR CONSENT FOR THE CHARTER IN QUESTION. THE KENYANS REPORTEDLY OFFERED TO NEGOTIATE THE AMOUNT OF THE FEE, WHICH SUPPOSEDLY APPLIES TO ALL FOREIGN (BUT NOT KENYAN) AIRLINES OPERATING KENYA CHARTERS. PAN AM HAS ALSO INDICATED THAT OTHER FOREIGN AIRLINES AFFECTED BY THE FEE HAVE EITHER REQUESTED OR PLAN TO REQUEST THEIR GOVERNMENTS TO PROTEST THE FEE.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 119738

2. IF PROVEN CORRECT, THE KENYAN REQUIREMENT WOULD BE OBJECTIONABLE TO THE USG SINCE IT IS A DISCRIMINATORY CHARGE LEVIED AGAINST NON-KENYAN COMPANIES. IMPOSITION OF SUCH A FEE WOULD BE INCONSISTENT WITH ARTICLE 15 OF THE CONVENTION ON INTERNATIONAL CIVIL AVIATION OF DECEMBER 7, 1944 (CHICAGO CONVENTION) WHICH PROVIDES THAT "...NO FEES, DUES

OR OTHER CHARGES SHALL BE IMPOSED BY ANY CONTRACTING STATE
IN RESPECT SOLELY OF THE RIGHT OF TRANSIT OVER OR ENTRY

INTO OR EXIT FROM ITS TERRITORY OF ANY AIRCRAFT OF A
CONTRACTING STATE OR PERSONS OR PROPERTY THEREON." KENYA
IS A PARTY TO THE CONVENTION.

3. "NO OBJECTION FEES" ARE A SERIOUS PROBLEM (FOR US
AVIATION INTERESTS) IN A NUMBER OF COUNTRIES, AND IT IS
US POLICY TO DISCOURAGE THEM. EMBASSY IS ACCORDINGLY
REQUESTED TO INVESTIGATE AND REPORT ASAP, ESPECIALLY
WITH REGARD TO BASIS FOR CHARGING FEES. IF PAN AM'S
COMPLAINT IS VALID, EMBASSY MAY EXPRESS APPROPRIATE
INFORMAL CONCERNS, ALONG LINES PARA 2 ABOVE. DEPT AND
OTHER AGENCIES WILL REVIEW NEED FOR FURTHER USG ACTION
AND REPRESENTATIONS UPON RECEIPT OF EMBASSY'S REPORT.

VANCE

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AIR ROUTE APPLICATIONS, SUPPLEMENTAL AIRLINES
Control Number: n/a
Copy: SINGLE
Sent Date: 24-May-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE119738
Document Source: CORE
Document Unique ID: 00
Drafter: ARIMAS:BA
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770185-1190
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770522/aaaaatfz.tel
Line Count: 80
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 8b48d18a-c288-dd11-92da-001cc4696bcc
Office: ORIGIN EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 07-Feb-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2386897
Secure: OPEN
Status: NATIVE
Subject: CIVAIR: PAN AM CHARTERS
TAGS: EAIR, KE, PAN AM
To: NAIROBI
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/8b48d18a-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009